

PUBLIC MATTER
STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

FILED *plg*

MAR 11 2019

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of)	Case No.: 17-O-02894-CV
)	
DEE ELLA DOREY,)	
)	DECISION AND ORDER OF
State Bar No. 163203.)	INVOLUNTARY INACTIVE
)	ENROLLMENT
_____)	

Respondent Dee Ella Dorey (Respondent) was charged with four counts of misconduct in this single client matter. Respondent failed to file a response to the Notice of Disciplinary Charges (NDC) in this matter and her default was entered. The Office of Chief Trial Counsel of the State Bar of California (OCTC) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that if an attorney's default is entered for failing to respond to the NDC and the attorney fails to have the default set aside or vacated within 90 days, the OCTC will file a petition requesting the court to recommend the attorney's disbarment.²



¹ Unless otherwise indicated, all references to rules are to this source.

² If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied, and therefore, grants the petition and recommends that Respondent be disbarred from the practice of law.

FINDINGS AND CONCLUSIONS

Jurisdiction

Respondent was admitted to practice law in this state on December 22, 1992, and has been a licensed attorney of the State Bar since then.

Procedural Requirements Have Been Satisfied

On August 3, 2018, the OCTC properly served Respondent with the NDC by certified mail, return receipt requested, at her official State Bar record address. Courtesy copies were sent by U.S. first-class mail to Respondent's official State Bar record address, as well as to an alternate mailing address found for Respondent. The NDC was filed with the State Bar Court on the same date. The NDC notified Respondent that her failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The copy of the NDC sent to Respondent's official State Bar record address was returned as undeliverable, "not deliverable as addressed, unable to forward." The copy of the NDC mailed to Respondent's alternate address was not returned as undeliverable.

On August 13, 2018, the OCTC attempted to reach Respondent at a telephone number discovered pursuant to a LexisNexis search for Respondent's contact information. A message indicated that the number was disconnected. On August 16, 2018, another courtesy copy of the NDC was mailed to Respondent's second last known address listed on LexisNexis. This letter was not returned as undeliverable. Moreover, on August 31, 2018, the OCTC placed a call to someone listed on LexisNexis as a relative of Respondent who advised that he would have Respondent call back. Respondent returned the phone call on the same day. She was advised

that the OCTC had filed a NDC and confirmed that the alternate mailing address, to which the courtesy copy of the NDC was mailed on August 3, 2018, was current. Respondent also provided an email address to which a copy of the NDC was sent on the same day. This email was not returned as undeliverable.

Despite the OCTC's efforts, Respondent failed to file a response to the NDC. On September 11, 2018, the OCTC filed and properly served a motion for entry of Respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the assigned deputy trial counsel. (Rule 5.80.) The motion notified Respondent that, if she did not timely move to set aside her default, the court would recommend her disbarment. This motion was sent by certified mail, return receipt requested, and by regular first-class mail, addressed to Respondent at her official State Bar record address, as well as at the alternate address that Respondent had confirmed as current.

Respondent did not file a response to the motion and her default was entered on October 5, 2018. The court also ordered Respondent's involuntary inactive enrollment as a licensed attorney of the State Bar pursuant to Business and Professions Code section 6007, subdivision (e), effective three days after service of the order, and she has remained inactively enrolled since that time. The order entering the default and enrolling Respondent inactive was served by certified mail, return receipt requested, addressed to Respondent at her official State Bar record address, as well as at the alternate address that Respondent had confirmed as current.

Respondent did not seek to have her default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On January 16, 2019, the OCTC properly filed and served a petition for disbarment on Respondent. As required by rule 5.85(A), the OCTC reported in the petition that: (1) Respondent has not contacted the OCTC since the entry of her default; (2) there are no other investigations or disciplinary matters pending against

Respondent; (3) Respondent does not have a record of prior discipline; and (4) the Client Security Fund has not paid out any claims as a result of Respondent's conduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on February 28, 2019.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of a respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82(2).) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that Respondent is culpable as charged and, therefore, violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

Case No. 17-O-02894 (The Serpico Matter)

Count One – Respondent willfully violated Business and Professions Code section 6068, subdivision (a) (failure to comply with laws), by holding herself out as entitled to practice law and actually practicing law when she was not an active licensed attorney of the State Bar of California, by appearing on behalf of an applicant at the Van Nuys Worker's Compensation Appeals Board in willful violation of Business and Professions Code, sections 6125 and 6126, and thereby failing to support the laws of the State of California.

Count Two – Respondent willfully violated Business and Professions Code section 6106 (act involving moral turpitude), by holding herself out as entitled to practice law and actually practicing law when she knew, or was grossly negligent in not knowing, that she was not an active licensed attorney of the State Bar of California when appearing on behalf of an applicant at the Van Nuys Worker's Compensation Appeals Board.

Count Three – Respondent willfully violated Business and Professions Code section 6068, subdivision (i) (failure to cooperate in disciplinary investigation), by failing to provide a

substantive response to the OCTC's email and letter which she received that requested her response to the allegations of misconduct in this matter.

Count Four – Respondent willfully violated section 6068, subdivision (j) (failure to update address), by failing to update her State Bar official records address within 30 days after vacating that office.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and Respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on Respondent under rule 5.25;
- (2) Respondent had actual notice of the proceedings prior to the entry of her default;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC, deemed admitted by the entry of the default, support a finding that Respondent violated a statute, rule, or court order that would warrant the imposition of discipline.

Despite actual notice and opportunity, Respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATIONS

Disbarment

It is recommended that Dee Ella Dorey, State Bar Number 163203, be disbarred from the practice of law in California and that her name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c)

of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order imposing discipline in this proceeding.³ Failure to do so may result in disbarment or suspension.

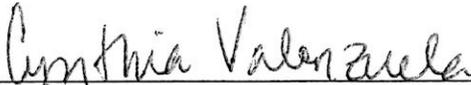
Costs

It is further recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against a licensed attorney of the State Bar who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Dee Ella Dorey, State Bar number 163203, be involuntarily enrolled as an inactive licensed attorney of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: March 11, 2019


CYNTHIA VALENZUELA
Judge of the State Bar Court

³ For purposes of compliance with rule 9.20(a), the operative date for identification of “clients being represented in pending matters” and others to be notified is the filing date of the Supreme Court order, not any later “effective” date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney’s failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 11, 2019, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

Dee E. Dorey
Law Office of Dee Ella Dorey
PO Box 665
Newbury Park, CA 91319

Dee E. Dorey
1835 Fox Springs Cir.
Newbury Park, CA 91320

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Terese E. Laubscher, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 11, 2019.



Paul Songco
Court Specialist
State Bar Court